

IC 31-34-19

Chapter 19. Dispositional Hearing

IC 31-34-19-1

Dispositional hearing; issues for consideration

Sec. 1. The juvenile court shall hold a dispositional hearing to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- (3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.20.

IC 31-34-19-1.1

Mandatory attendance at predispositional hearing by report preparer

Sec. 1.1. At a dispositional hearing under this chapter, the person that prepared the predispositional report:

- (1) must be present, if possible; and
- (2) if present, shall provide testimony when requested to explain how the individuals participating in the conference described in IC 31-34-18:
 - (A) examined the available options; and
 - (B) recommended the options that most closely coincide with the guidelines provided in IC 31-34-18-4.

As added by P.L.55-1997, SEC.21.

IC 31-34-19-2

Admissibility of reports

Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-3

Civil commitment of mentally ill child

Sec. 3. If it appears to the juvenile court that a child is mentally

ill, the court may:

- (1) refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26; or
- (2) initiate a civil commitment proceeding under IC 12-26.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-4

Discharge of child; continuance of proceeding; release of county office of family and children from obligations to child

Sec. 4. If:

- (1) a child is referred to a probate court;
- (2) the juvenile court initiates a commitment proceeding; or
- (3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office of family and children, the juvenile court may not release the county office from the obligations of the county office to the child pending the outcome of the proceeding under IC 12-26.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-5

Release of county office of family and children from obligations to child placed in state institution for voluntary treatment

Sec. 5. If the court authorizes a child who is under the custody or supervision of a county office of family and children to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the county office from obligations of the county office to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-6

Dispositional decree; factors

Sec. 6. If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.22.

IC 31-34-19-7

Factors to consider for dispositional decrees that include out-of-home placement

Sec. 7. In addition to the factors under section 6 of this chapter, if the court enters a dispositional decree regarding a child in need of services that includes an out-of-home placement, the court shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

As added by P.L.1-1997, SEC.17. Amended by P.L.70-2004, SEC.20; P.L.234-2005, SEC.182.

IC 31-34-19-8

Provision of copies of dispositional report

Sec. 8. The juvenile court shall send a copy of the dispositional report described in section 10 of this chapter to each person who receives placement or wardship of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-9

Advisement of modification procedures

Sec. 9. The juvenile court shall advise the child and the child's parent, guardian, or custodian of the procedures under IC 31-34-23.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-10

Findings and conclusions

Sec. 10. The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) Efforts made, if the child is a child in need of services, to:
 - (A) prevent the child's removal from; or
 - (B) reunite the child with;the child's parent, guardian, or custodian in accordance with federal law.
- (4) Family services that were offered and provided to:
 - (A) a child in need of services; or
 - (B) the child's parent, guardian, or custodian;in accordance with federal law.
- (5) The court's reasons for the disposition.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.23.